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Report of the Secretary-General on the progress made with regard to the stabilization and restoration of constitutional order in Guinea-Bissau

I. Introduction

1. The present report, submitted pursuant to paragraph 22 of Security Council resolution 2343 (2017), is my third report on the progress made by Guinea-Bissau with regard to the stabilization and restoration of constitutional order in the country. It provides an update on relevant developments since my previous report, of 16 August 2016 (S/2016/720), and includes recommendations on the continuation of the sanctions regime, pursuant to Council resolution 2343 (2017) and in line with paragraph 12 of resolution 2048 (2012).

2. In fulfilment of the above request from the Security Council, the Department of Political Affairs undertook an assessment, in cooperation with the United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS). During the same period, the Chair of the Security Council Committee established pursuant to resolution 2048 (2012) concerning Guinea-Bissau visited Bissau from 13 to 15 June 2017. The Secretary of the Committee participated in the Chair's meetings with key stakeholders.

II. Key findings

3. Since my previous report, the political impasse in Guinea-Bissau has remained unresolved and continues to limit progress with regard to the consolidation of constitutional order. Despite the deployment of considerable mediation and facilitation efforts by international partners, in particular the Economic Community of West African States (ECOWAS) and the United Nations, national stakeholders have so far failed to agree on a consensual way forward. The impasse continues to discourage international donors from committing financial resources to the country. While constitutional order is not directly threatened so far, the lack of progress in implementing the Conakry Agreement on the Implementation of the Economic Community of West African States Roadmap for the Resolution of the Political Crisis in Guinea Bissau and the chronic institutional crisis continue to give rise to serious concern.

4. The recommendations on the continuation of United Nations sanctions contained in my previous report remain valid and relevant in the light of the unresolved political situation in Guinea-Bissau. The recommendations include the

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maintenance of the present sanctions regime to signal to the entire population that measures are applicable to all spoilers, regardless of their political or institutional affiliation, and that the Council adjusts the measures and designations as needed; the establishment of a panel of experts to support the Committee's work; the establishment of clear benchmarks for lifting sanctions; and a review of the situation with respect to the designated individuals to determine if they continue to meet the listing criteria.

5. There is still broad consensus that sanctions have played a positive role and acted as a deterrent to the direct involvement of the security and defence forces in political affairs. However, some local interlocutors support the idea that the sanctions currently imposed on individuals should be reviewed on account of their commendable behaviour since 2012, and that those responsible for the current political impasse should instead be designated for targeted measures.

6. The military continues to respect the constitutional order and maintains a politically neutral role. However, the risk of an intervention by the military may increase, in particular if the political deadlock persists, reforms of relevant sectors are not implemented, the civilians' protests become violent, the security situation deteriorates, and/or the budgetary situation prevents the payment of salaries to soldiers and officials.

III. Sanctions in Guinea-Bissau

7. There have been no changes to the sanctions regime established by the Security Council pursuant to resolution 2048 (2012) since my previous report. The travel ban measure remains in place and the Committee's sanctions list contains the names of 11 individuals, all members of the "Military Command" responsible for the coup d'état of 12 April 2012. Five were designated by the Security Council on 18 May 2012 (Ibraima Camará, António Injai, Estêvão Na Mena, Daba Naualna and Mamadu Ture) and six were subsequently designated by the Committee on 18 July 2012 (Sanha Clussé, Cranha Danfa, Idrissa Djaló, Tchipa Na Bidon, Tcham Na Man and Júlio Nhate).

8. During the past 12 months, the 11 sanctioned individuals remained part of the armed forces of Guinea-Bissau and continued to perform the same functions. The authorities of Guinea-Bissau confirmed officially that the Chief of General Staff of the Navy, Rear Admiral Sanha Clussé, died on 24 April 2016. It should be noted that his name remains on the sanctions list.

9. Since August 2016, two designated individuals have travelled outside Guinea-Bissau,[1] but in both cases they were repatriated to Guinea-Bissau. This is a positive sign that Member States are vigilant in the enforcement of United Nations sanctions. The assessment also revealed that some misunderstanding remains with regard to the scope of the travel ban restriction. It is important to note that travel, justified on the grounds of humanitarian need, may be approved on a case-by-case basis by the Committee (see resolution 2048 (2012), para. 5). Since my previous report, the Committee has not received any requests for any travel ban exemptions.

10. However, as noted in my previous reports, the impact of sanctions in Guinea-Bissau has surpassed the travel ban restrictions imposed by resolution 2048 (2012). All interlocutors agreed that sanctions had had a positive effect in deterring the direct involvement of the armed forces in the political situation. At the same time, there were numerous calls for the possible application of sanctions to any

[1] General Ibraima Camará (GBi.001) and General Mamadu Ture (GBi.011), on 10 February 2017 and 3 April 2017, respectively, travelled from Bissau to the Léopold Sédar Senghor international airport in Dakar but they were sent back by the Senegalese authorities.

individuals responsible for fomenting political instability within the country, including civilians, in particular politicians.

IV. Progress made with regard to the stabilization and restoration of constitutional order in Guinea-Bissau

11. The country is still facing considerable political and institutional uncertainty. The impasse is illustrated by the failure of the National Assembly to hold plenary sessions since January 2016 and by the failure of four consecutive Governments to adopt their programme of work and the national budget. Polarization among the major political stakeholders has further contributed to heightened political and social tensions and repeatedly led to speculations about an increased likelihood of political interference by the military.

12. On 10 September 2016, a high-level delegation from ECOWAS, led by the President of Guinea, Alpha Condé, in his capacity as ECOWAS Mediator for Guinea-Bissau, visited Bissau. The delegation held consultations with national political stakeholders, including the President, José Mário Vaz, the Speaker of the National Assembly, Cipriano Cassamá, the Prime Minister, Baciro Djá, representatives of the five parties with parliamentary seats, and the group of 15 parliamentarians (the "Group of 15") who had been expelled from the African Party for the Independence of Guinea and Cabo Verde (PAIGC). The national stakeholders agreed to a six-point road map to end the political crisis, which would include the holding of an inclusive national round-table dialogue, the formation of an inclusive government to implement key reforms before the legislative elections in 2018, the establishment of an ECOWAS monitoring and follow-up mechanism, the implementation of reforms in the defence and security sectors, and the progressive demobilization of the ECOWAS Mission in Guinea-Bissau (ECOMIB) within six months of the formation of a national contingent to take over its mandate of protecting State institutions.

13. From 10 to 14 October, the ECOWAS Mediator convened consultations with national stakeholders in Conakry, which focused on the implementation of the first two elements of the road map: the appointment of a consensual Prime Minister and an inclusive government and the holding of an inclusive national dialogue on critical constitutional reforms. On 14 October, the political stakeholders signed the Conakry Agreement, which provided for the appointment of a consensual Prime Minister who would have the confidence of the President; the formation of an inclusive government to implement a programme of reforms stemming from a national round-table dialogue, to be held within 30 days of the appointment of the Prime Minister; the development and adoption of a stability pact, which would include provisions on constitutional reform aimed at establishing stable relations between the Executive, the Legislature and the Judiciary, electoral reforms for the organization of legislative and local elections in 2018, a new political party law including provisions on public funding of political parties, defence, security and justice sector reform and the launch of the implementation of a development programme; and the unconditional reintegration of the Group of 15 expelled from PAIGC into the party, in accordance with the party's rules. The Agreement also included the provision of support by ECOWAS, the African Union, the Community of Portuguese-speaking Countries, the United Nations and the European Union for the implementation of the stability pact and the establishment of an ECOWAS monitoring and evaluation framework to ensure the stability of the entire process.

14. Since then, however, differences among political stakeholders with regard to the appointment of the Prime Minister have persisted. On 15 November, the President dismissed the Government of the Prime Minister, Mr. Djá, on the basis

that it had been unable to obtain the approval of the National Assembly for its programme of work and the national budget. On 18 November, he appointed Umaro Sissoco Embaló as Prime Minister. Mr. Embaló, who was one of three candidates put forward by the President for the parliamentary political parties to choose from during the Conakry talks in mid-October 2016, was not the candidate selected by the ruling PAIGC, a key precondition for resolving the impasse. The reactions of national stakeholders to the appointment were in accordance with the positions that they had taken following the signing of the Conakry Agreement. PAIGC contended that the President had repudiated the Agreement through the appointment, while the Party for Social Renewal (PRS) announced that it agreed with the appointment. On 12 December, the President appointed, by decree, the members of the Government. Of the five parties represented in the National Assembly, PRS alone joined the new Government.

15. In view of the failure of the President to appoint a consensual Prime Minister, in a final communiqué issued following its fiftieth ordinary session on 17 December, the ECOWAS Authority of Heads of State and Government urged the President to comply with the provisions of the Agreement and called upon all parties to strictly respect and comply with the tenets of the Agreement. The Authority also directed the ECOWAS Commission to withdraw ECOMIB by the end of its current mandate on 30 June 2017, beginning in April 2017.

16. On 22 February, the Permanent Commission of the National Assembly once more rejected, by a majority vote of its PAIGC members, the scheduling of an ordinary session on the new Government's programme of work. In its record of proceedings issued immediately after the meeting, the Permanent Commission rejected the scheduling of the debate on the programme on the grounds that it had been submitted by a Government that was not in compliance with the Conakry Agreement.

17. The political tension in the capital trickled down to the regions, with several stand-offs between supporters of the Group of 15 and the mainstream PAIGC. On 5 March, the leader of PAIGC and a former Prime Minister, Domingos Simões Pereira, returned to Bissau, after spending more than one month outside the country, amid heavy police presence. Thousands of supporters, as well as members of the Forum of Democratic Parties for Political Dialogue, rallied at the airport to welcome him, following persistent allegations that he could be arrested upon his arrival. The leader of PAIGC departed safely from the airport, escorted by elements of ECOMIB.

18. The number of demonstrations and counterdemonstrations mobilized by political stakeholders also increased. On 9 March, a movement called "The Citizen" reportedly gathered from 2,000 to 3,000 people in front of the National Assembly, including some members of Government, PRS and the Group of 15. The demonstrators called for the resumption of the National Assembly's activities and shouted slogans in support of the President and the Government. During a meeting with UNIOGBIS, also on 9 March, the Speaker of the National Assembly thanked UNIOGBIS and ECOMIB for their assistance which, according to him, had prevented the demonstrators from ransacking the National Assembly premises and his residence. On 11 March, the Movement of Conscious and Nonconformist Citizens reportedly gathered from 2,500 to 3,000 participants, who marched from the national airport to the city centre, shouting slogans calling for the resignation of the President. Although PAIGC did not express public support for the march, many supporters and parliamentarians from the party participated. On 27 May, a demonstration organized by the Movement of Conscious and Nonconformist Citizens and other civil society organizations resulted in confrontations between law

enforcement personnel and demonstrators, and 18 people, including demonstrators and law enforcement personnel, were hospitalized.

19. On 23 April, following consultations in Conakry with the President of Guinea in his capacity as ECOWAS Mediator, an ECOWAS ministerial assessment and follow-up mission to the Conakry Agreement arrived in Bissau, with logistics support from UNIOGBIS, for talks with national and international stakeholders. The parties once more reaffirmed their commitment to implementing the Conakry Agreement, while national political and civil society stakeholders deplored the announced withdrawal of ECOMIB, fearing it could have a detrimental impact on security and stability in the country. In the absence of implementation of any aspects of the Agreement, the ECOWAS ministerial mission issued a final communiqué, prior to departing from Bissau on 24 April, recommending the imposition of relevant sanctions by all ECOWAS member States and the international community on individuals, groups of individuals and entities that obstruct the smooth implementation of the Conakry Agreement, together with their close collaborators, in the event of non-compliance with or a lack of concrete steps towards implementing the Agreement within 30 days.

20. On 30 May, a newly established group of women's organizations, the Women's Mediation Committee, issued a press release and appealed to political parties to engage in constructive dialogue for conflict resolution and requested that the international community remain vigilant and activate relevant mechanisms to avoid unintended consequences. The Women's Mediation Committee met with key political leaders, including the President, the Speaker, the leaders of PAIGC and PRS and the Group of 15.

21. Following its fifty-first ordinary session held on 4 June in Monrovia the ECOWAS Authority of Heads of State and Government took note of the assessment made by the ministerial mission following its visit to Bissau in April and of the readiness of all stakeholders to hold direct talks towards the implementation of the Conakry Agreement. The Heads of State and Government urged all stakeholders to strictly respect and comply with the tenets of the Agreement. They also extended the mandate of ECOMIB for three months to allow for the full implementation of the Agreement by the political stakeholders and affirmed their determination to institute, if needed, targeted sanctions against all those who obstruct the smooth implementation of the Agreement.

22. From 22 to 24 June, PAIGC held its first-ever national convention in Bissau, gathering some 600 delegates from all over the country. In his opening remarks, the leader of PAIGC stated that the President was putting the country at risk by keeping an unconstitutional Government. The convention ended with the adoption of several recommendations, including on the need for constitutional reform to clarify the balance of power among the Executive, the Legislature and the Judiciary, while keeping the semi-presidential system; the need to reform the legislation on elections and political parties; the need to carry out internal reforms to increase the representation of women and young people within the party; and the need to minimize the recurrence of internal conflicts. The convention also recommended that the president of PAIGC should have a say in the selection of the party's candidates for the presidential and legislative elections and reiterated the call from the Forum of Democratic Parties for Political Dialogue for the President to appoint Augusto Olivais as the consensual Prime Minister within the framework of the Conakry Agreement. The convention took place amid tension involving a faction of the Group of 15, which accused the leadership of PAIGC of excluding all supporters of the Group of 15. The police prevented some young sympathizers of the Group of 15 from disrupting the gathering on the first day of the convention. The former

Prime Minister, Mr. Djá, who held the position of third Vice-President of PAIGC prior to the political crisis, participated in the event.

23. On 26 June, the President met with religious leaders on the occasion of the end of Ramadan. In his statement, he called for unity among the people of Guinea-Bissau and stressed that national stakeholders should do their best to overcome their country's challenges within the next 90 days. He specifically called upon PAIGC, PRS and the Group of 15 to come to an agreement and facilitate the adoption of the Government's programme of work and the national budget, adding that, should national actors fail to reach an agreement, he would return the power to the people of Guinea-Bissau by convening early elections. The next day, the leader of PAIGC reiterated the need to respect and begin the implementation of the Conakry Agreement, deploring the fact that the President had taken too long to consider the possibility of calling early elections as a way out of the impasse. The leader of the United People's Assembly-Democratic Party of Guinea-Bissau, Nuno Nabiam, who was the runner-up in the 2014 presidential election, called for early legislative and presidential elections. Furthermore, he suggested the formation of a government of national unity to prepare for the polls and conduct a prior review of the Constitution and the electoral law.

24. On 30 June, the Minister of Social Communication of Guinea-Bissau announced the suspension of the activities of three Portuguese media outlets in Guinea-Bissau, namely Radio Televisão de Portugal, Radio Difusão de Portugal and Lusa Agency, arguing that the expiration of the cooperation agreement between Lisbon and Bissau had expired. The Lusa Agency was later removed from the list of suspended media outlets. The decision was widely condemned both nationally and internationally, including by the Government of Portugal and the European Union, prompting the Minister to clarify on 1 July that the issue was technical rather than political.

25. On 7 July, the President met separately with the Speaker of the National Assembly and the President of the Supreme Court. In addition, on 10 July, he held bilateral meetings with the leaders of PAIGC, PRS and the Group of 15. He was joined in all these meetings by the coordinator of the Women's Mediation Committee, Francisca Vaz. The meetings reportedly addressed the scenario of a dissolution of the National Assembly, the mandate of the electoral commission, the appointment of a consensual Prime Minister, prospects for the approval of the government programme of a Prime Minister supported by PAIGC, the reintegration of the Group of 15 into PAIGC and the possible composition of a broad-based government.

26. In spite of the ongoing political impasse and recurring protest movements, economic growth is expected to continue in 2017. However, as stated in my two previous reports (S/2015/619 and S/2016/720), the root causes of instability in Guinea-Bissau remain unaddressed and the current political paralysis has reversed the progress made after the successful general elections in 2014. As legislative and presidential elections, currently scheduled for 2018 and 2019, respectively, approach, the implementation of key reforms becomes even more urgent.

V. Recommendations on the continuation of United Nations sanctions

27. The prolonged political paralysis within Guinea-Bissau continues to highlight the fragility of State institutions and the lack of success in the political dialogue. To date, the security situation remains stable and tensions have not turned violent, the military does not interfere in political disputes, human rights seem to be respected

overall and the constitutional order is not acutely threatened. However, I believe it is important to underscore that the current situation is not sustainable, which highlights the urgency of finding a resolution to the political impasse.

28. The recommendations on the continuation of United Nations sanctions contained in my previous report (S/2016/720) remain valid and relevant to the political situation in Guinea-Bissau. The Security Council may wish to maintain the current designation criteria and send a clear message to all citizens of Guinea-Bissau that the sanctions regime is applicable to all spoilers, regardless of their political or institutional affiliation, and that the Council will give consideration to further enhancing sanctions measures and designations as and when required. The Council could also consider the establishment of a panel of experts in order to deepen the information base for the Committee to promote greater awareness of the sanctions regime inside the country and to identify those who meet the designation criteria for targeted measures.

29. The current reported role played by the military, and by the listed individuals in particular, highlights the importance for the Security Council and its Committee to review the sanctions list. I recommend that the Committee update the sanctions list to take into account the information received concerning the death of Sanha Clussé.

30. The visit of the Chair of the Committee to Bissau was a strong signal of the Council's commitment to the people of Guinea-Bissau. It was also seen as a sign of the Council's resolve to consider targeted sanctions in combination with other Charter-based instruments to peacefully resolve the political impasse in the country. Continued engagement by the Committee with local, regional and international actors, as well as United Nations system partners, including the United Nations Office on Drugs and Crime, is also recommended.